# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/588,890 | 01/05/2007 | Mikko Viikari | 3501-1118 | 4043 |

466          7590          09/15/2008
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|---|
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| ART UNIT | PAPER NUMBER |
|---|---|
| 2164 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 09/15/2008 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|  | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/588,890 | VIIKARI ET AL. |
|  | Examiner | Art Unit |  |
|  | FAZLUL QUADER | 2164 |  |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>20 June 2008</u>.

2a)☒ This action is **FINAL**.          2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *33-55 and 57-60* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *33-55 and 57-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

1.      Claims 33-55 and 57-60 *are* pending in this application.

2.      Examiner acknowledges applicant's amendment on 06/20/2008.

3.      Claims 33, 43-44, 53-55 and 60 have been amended on 06/20/2008.

4.      Claims 56 have been cancelled by the applicant on 06/20/2008.

5.      Applicant's arguments filed 06/20/2008, with respect to claims 33-55 and

57-60 have been fully considered but they are not persuasive, for examiner's

response see discussion below.

### *Claim Objection*

6.      Claim 41 appears twice. It seems that the second claim 41 that appears

after claim 46 should have been claim 47. Proper correction is required.


        Claim 34-42, line 1 recite "A data processing system", which is indefinite.

"The data processing system" would be more appropriate.


        Claim 45-52, line 1 recite "A method", which is indefinite. "The method"

would be more appropriate.

Claim 57-59, line 1 recite "A database system", which is indefinite. "The database system" would be more appropriate.

## *Claim Rejections - 35 USC § 112*

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 33-38; 44-49, 54 and 60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 33, line 18-19; claim 44, lines 12-13; claim 54, lines 23-24; claim 60, lines 14-15, recite "said connected output", which does not have an antecedent basis. The dependent claims 34-38; 45-49 are also being rejected for being dependent on rejected claims.

## *Claim Rejections - 35 USC § 103*

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 33-60 of the current application (effective filing date: Aug. 10, 2006) are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorvari et al. (US 20040043758; pub. date: Mar. 04, 2004), hereinafter "Sorvari" in view of Barry et al. (US 20050216421; filing date: Apr. 28, 2005), hereinafter "Barry".

12.   As to claim 33, Sorvari discloses, a data processing system comprising:

a unit for producing data elements ([0050]);

data processing means for processing data elements ([0047]);

a first database with at least part of its records containing the name information of a subscriber of a telecommunications system and the subscriber's address in the telecommunications system ([0048]); and

interface means containing output means for outputting information to the user and input means for receiving as input information from the user ([0002]; [0010]);

said output means are arranged to output to the user at least a part of the

content of a data element <u>in connection with</u> at least one selection option for

selecting the name information of a subscriber for attaching person-based

metadata <u>that identifies the subscriber</u> to the data element ([0035]; [0038]);

said input means are arranged to receive from the user <u>as input from said</u>

<u>connected output</u> selection of a subscriber's name information ([0048]); wherein

said data processing means are, in response to the name selection by the

user, arranged to fetch the subscriber address in the telecommunications system

related to the selected name information from the first database ([0048]); and

to attach to the data element <u>person based</u> metadata that contains the

fetched subscriber address in the telecommunications system ([0048]), and the

system also comprises a database system for storing data elements, the

database system comprising a server and a second database, said server being

arranged to receive a fetch request for a data element from a <u>user terminal</u>

<u>accessing</u> the server ([0028]-[0029]); and

to check the access right to the data element on the basis of the

subscriber address in the telecommunications system attached to the fetch

request <u>with the person-based metadata of the data element</u> ([0048]; [0295]).

Sorvary, however, does not explicitly disclose, "selection option";

Barry, on the other hand, discloses, "selection option" that is modifiable (Barry: [0066]).

Both Sorvari and Barry are of the same field of endeavor, they specifically teach Web based telecommunication management (Sorvari: [0002]; Barry: [0002]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Barry into Sorvari of system and method for providing context sensitive recommendations to digital services, that would have allowed users of Sorvari to have an useful method of providing enterprise management tools to customers of a telecommunications service provider over the internet (Barry: [0002]).

13.    As to claim 34, Sorvari as modified discloses, a data processing system as claimed in claim 33, wherein said output means are arranged to output a selection view that contains at least a part of the name information in the first database (Sorvari: [0052]).

14.     As to claim 35, Sorvari as modified discloses, a data processing system as claimed in claim 34, wherein said output means are also arranged to provide the user with the option of attaching to the data element an additional definition controlling its access right (Sorvari: [0279]; [0294]);

said input means are arranged to receive as input from the user said additional definition (Sorvari: [0295]);

said data processing means are arranged to attach said additional definition to the data element (Sorvari: [0295]).

15.     As to claim 36, Sorvari as modified discloses, a data processing system as claimed in claim 34, wherein said output means are also arranged to provide the user with the option of attaching to the data element an additional definition controlling a function to be implemented during its storage (Sorvari: [0295]);

said input means are arranged to receive as input from the user said additional definition (Sorvari: [0295]);

said data processing means are arranged to attach said additional definition to the data element (Sorvari: [0295]).

16.     As to claim 37, Sorvari as modified discloses, a data processing system

as claimed in claim 36, wherein the server is arranged to receive said additional

definition (Sorvari: [0295]); and,


in response to the received additional definition, to execute during storage

the function defined by the additional definition (Sorvari: [0295]).


17.    As to claim 38, Sorvari as modified discloses, a data processing system

as claimed in claim 37, wherein said function includes transmitting the data

element to the subscriber identified by the address in the telecommunications

system comprised in the person-based metadata (Sorvari: [0295]-[0296]).


18.    As to claim 39, Sorvari as modified discloses, a data processing system

as claimed in claim 33, wherein the system also comprises a clock unit for

defining the generation time of the data element, the clock unit being also

arranged to attach to the data element metadata containing a data series

identifier (Sorvari: [0093]; [0123]);


measure a time interval between two data elements (Sorvari: [0076];

[0300]);


compare the time interval with a predefined reference value (Sorvari:

[0076]; [0300]);

attach, in response to undershooting the reference value, to the later data

element the same identifier as to the earlier data element (Sorvari: [0076]); and

attach, in response to exceeding the reference value, to the later data

element a different identifier than to the earlier data element (Sorvari: [0076]).

19.    As to claim 40, Sorvari as modified discloses, a data processing system

as claimed in claim 33, wherein the system also comprises a calendar unit

(Sorvari: [0308]), the calendar unit being also arranged to:

detect the generation time of the data element; fetch a calendar event

corresponding to the generation time (Sorvari: [0308]);

attach to the data element metadata containing said calendar event

(Sorvari: [0308]; [0035]).

20.    As to claim 41, Sorvari as modified discloses, a data processing system

as claimed in claim 33, wherein the system also comprises a positioning unit

([0085]), the positioning unit being also arranged to:

generate location information on a system element containing the

positioning unit at the generation time of the data element (Sorvari: [0059]);

attach to the data element metadata containing said location information

(Sorvari: [0273]-[0274]).

21.    As to claim 42, Sorvari as modified discloses, a data processing system

as claimed in claim 33, wherein said data elements contain image data ([0283]).

22.    As to claim 43, Sorvari discloses, a mobile station comprising:

a unit for producing data elements ([0050]);

data processing means for processing data elements ([0047]);

interface means containing output means for outputting information to the

user and input means for receiving as input information from the user ([0002];

[0010]);

a phone list with at least part of its records containing name information of

subscribers of a mobile communications system ([0048]), a record of name

information of a subscriber comprising a name part including a subscriber's name

in a form input by the user of the mobile station, and an address part including at

least the subscriber's address in the mobile communications system ([0048]);

wherein said output means are arranged to output to the user at least a

part of the content of a data element <u>in connection with</u> a view to name part of

the phone list for selecting the subscriber's name in a form input by the user of

the mobile station, for attaching person-based metadata <u>that identifies the</u>

<u>subscriber</u> to the data element ([0035]; [0038]);


said input means are arranged to receive as input from the user a selected

subscriber's name in a form input by the user of the mobile station ([0048]);


said data processing means are, in response to the selection of the

subscriber's name, arranged to fetch the subscriber address in the mobile

communications system related to the selected subscriber's name from the first

database, and to attach to the data element <u>person-based</u> metadata that

contains the fetched subscriber address at least in the mobile communications

system ([0028]-[0029]).


Sorvary, however, does not explicitly disclose, "selection option";


Barry, on the other hand, discloses, "selection option" that is modifiable

(Barry: [0066]).

Both Sorvari and Barry are of the same field of endeavor, they specifically

teach Web based telecommunication management (Sorvari: [0002]; Barry:

[0002]).


It would have been obvious to one of the ordinary skill in the art at the time

of applicant's invention to incorporate the teachings of Barry into Sorvari of

system and method for providing context sensitive recommendations to digital

services, that would have allowed users of Sorvari to have an useful method of

providing enterprise management tools to customers of a telecommunications

service provider over the internet (Barry: [0002]).


23.    As to claim 44, Sorvari discloses, a method for data processing in a

system, in which a data element is generated, and records are maintained in a

first database, and at least part of the records of the first database comprise

name information of a subscriber of a telecommunications system and the

subscriber's address in the telecommunications system ([0048]), comprising:


outputting to the user with at least a part of the content of the data element

in connection with the option of selecting at least one subscriber's name

information for attaching person-based metadata that identifies the subscriber to

the data element ([0035]; [0038]);

receiving as input from the user <u>as input from said connected output</u> said

subscriber's name information selection ([0048]);


fetching, in response to the user's selection, the address of the subscriber

in the telecommunications system related to the selected name information from

the first database ([0048]);


attaching to the data element <u>person-based</u> metadata that contains the

fetched subscriber address in the telecommunications system ([0048]);


storing data elements into a database system connected to the system,

the database system comprising a server and database ([0028]-[0029]); and


receiving a data element fetch request from a computer connected to the

server ([0028]-[0029]); and


checking the access right to the data element <u>by comparing</u> the

subscriber address in the telecommunications system attached to the fetch

request <u>with the person-based metadata of the data element</u> ([0048]; [0295]).


Sorvary, however, does not explicitly disclose, "selection option";

Barry, on the other hand, discloses, "selection option" that is modifiable (Barry: [0066]).

Both Sorvari and Barry are of the same field of endeavor, they specifically teach Web based telecommunication management (Sorvari: [0002]; Barry: [0002]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Barry into Sorvari of system and method for providing context sensitive recommendations to digital services, that would have allowed users of Sorvari to have an useful method of providing enterprise management tools to customers of a telecommunications service provider over the internet (Barry: [0002]).

24.    As to claim 45, Sorvari as modified discloses, a method as claimed in claim 44, further comprising providing a selection view containing at least a part of the name information in the first database (Sorvari: [0052]).

25.    As to claim 46, Sorvari as modified discloses, a method as claimed in claim 45, further comprising providing the user with the option of attaching to the data element an additional definition controlling its access right (Sorvari: [0279]; [0294]);

receiving as input from the user said additional definition; attaching said

additional definition to the data element (Sorvari: [0295]).

26.     As to claim 47, Sorvari as modified discloses, a method as claimed in

claim 45, further comprising providing the user with the option of attaching to the

data element an additional definition controlling a function executed during the

storage of the data element (Sorvari: [0279]; [0294]);

receiving as input from the user said additional definition (Sorvari: [0295]);

attaching said additional definition to the data element (Sorvari: [0295]).

27.     As to claim 48, Sorvari as modified discloses, a method as claimed in

claim 47, further comprising receiving to the server said additional definition

(Sorvari: [0295]); and,

in response to the received additional definition, executing said function

during storage (Sorvari: [0295]).

28.     As to claim 49, Sorvari as modified discloses, a method as claimed in

claim 48, further comprising executing said function by transmitting the data

element to the subscriber identified by the subscriber address in the

telecommunications system contained in the person-based metadata (Sorvari:

[0295]-[0296]).


29.     As to claim 50, Sorvari as modified discloses, a method as claimed in

claim 46, further comprising: defining the generation time of the data element

(Sorvari: [0093]; [0123]);


        attaching to the data element metadata containing an identifier that

identifies a data series to which the data element belongs (Sorvari: [0093];

[0123]);


        measuring a time interval between two data elements (Sorvari: [0076];

[0300]);


        comparing the time interval with a predefined reference value (Sorvari:

[0076]; [0300]);


        attaching, in response to undershooting the reference value, to the later

data element the same identifier as to the earlier data element (Sorvari: [0076]);

and


        attaching, in response to exceeding the reference value, to the later data

element a different identifier than to the earlier data element (Sorvari: [0076]).

30.     As to claim 51, Sorvari as modified discloses, a method as claimed in

claim 46, further comprising:


detecting the generation time of the data element (Sorvari: [0308]);


fetching a calendar event corresponding to the generation time (Sorvari:

[0308]);


attaching to the data element metadata containing said calendar event

(Sorvari: [0308]; [0035]).


31.     As to claim 52, Sorvari as modified discloses, a method as claimed in

claim 46, further comprising:


generating the location information of the system element that generated

the data element at the generation time of the data element (Sorvari: [0059]):


attaching to the data element metadata containing said location

information (Sorvari: [0273] - [0274]).


32.     As to claim 53, Sorvari discloses, a software product of a computer,

further comprising: executing commands makes the computer to implement the

steps of:

receiving a data element and person-based contentual metadata attached

to the data element, the contentual metadata containing the address of at least

one subscriber in a specific telecommunications system ([0035]; [0038]);

checking whether an additional definition controlling the access right of the

data element is attached to the received data element ([0279]; [0294]);

executing said <u>control</u> in response to the fact that an additional definition is

attached ([0295]).

Sorvary, however, does not explicitly disclose, "selection option";

Barry, on the other hand, discloses, "selection option" that is modifiable

(Barry: [0066]).

Both Sorvari and Barry are of the same field of endeavor, they specifically

teach Web based telecommunication management (Sorvari: [0002]; Barry:

[0002]).

It would have been obvious to one of the ordinary skill in the art at the time

of applicant's invention to incorporate the teachings of Barry into Sorvari of

system and method for providing context sensitive recommendations to digital

services, that would have allowed users of Sorvari to have an useful method of

providing enterprise management tools to customers of a telecommunications

service provider over the internet (Barry: [0002]).


33.     As to claim 54, Sorvari discloses, a network element of a

telecommunications system, the network element comprising:


first interface means for receiving data elements ([0048]);


user interface means for outputting information to the user and receiving

as input information from the user; second interface means containing output

means for outputting information to the user and input means for receiving as

input information from the user ([0002]; [0010]);


wherein the network element is connected to a first database for access to

a phone list with at least part of its records containing name information of

subscribers of a mobile communications system, a record of name information of

a subscriber comprising a name part including a subscriber's name in a form

input by the user of the network element, and an address part including a

subscriber's address in the mobile communications system ([0048]);

said output means are arranged to output to the user at least a part of the

content of a data element in connection with a view to name part of the phone list

for selecting the subscriber's name in a form input by the user of the network

element, for attaching person-based metadata that identifies the subscriber to the

data element ([0035]; [0038]);


said input means are arranged to receive as input from the user a selected

subscriber's name in the form input by the user as input from said connected

output of the network element ([0048]);


said data processing means are, in response to the selection by the user,

arranged to fetch the subscriber's address in the mobile communications system

related to the selected name information from the first database ([0048]); and


to attach to the data element person-based metadata that contains the

fetched subscriber address in the mobile communications system ([0048]).


Sorvary, however, does not explicitly disclose, "selection option";


Barry, on the other hand, discloses, "selection option" that is modifiable

(Barry: [0066]).

Both Sorvari and Barry are of the same field of endeavor, they specifically

teach Web based telecommunication management (Sorvari: [0002]; Barry:

[0002]).

It would have been obvious to one of the ordinary skill in the art at the time

of applicant's invention to incorporate the teachings of Barry into Sorvari of

system and method for providing context sensitive recommendations to digital

services, that would have allowed users of Sorvari to have an useful method of

providing enterprise management tools to customers of a telecommunications

service provider over the internet (Barry: [0002]).

34.     As to claim 55, Sorvari discloses, a database system of a

telecommunications system ([0005]; [0008]), the database system comprising a

database and a server ([0005]), wherein the server comprises first interface

means for receiving a data element and person-based contentual metadata

attached to the data element, the contentual metadata containing the address of

at least one subscriber in a specific telecommunications system ([0048]); and

data processing means arranged to check whether an additional definition

controlling the access right of the data element is attached to the received data

element ([0279]; [0294]);

execute said <u>control</u> in response to the fact that an additional definition is

attached ([0295]).


Sorvary, however, does not explicitly disclose, "selection option";


Barry, on the other hand, discloses, "selection option" that is modifiable

(Barry: [0066]).


Both Sorvari and Barry are of the same field of endeavor, they specifically

teach Web based telecommunication management (Sorvari: [0002]; Barry:

[0002]).


It would have been obvious to one of the ordinary skill in the art at the time

of applicant's invention to incorporate the teachings of Barry into Sorvari of

system and method for providing context sensitive recommendations to digital

services, that would have allowed users of Sorvari to have an useful method of

providing enterprise management tools to customers of a telecommunications

service provider over the internet (Barry: [0002]).


35.     As to claim 56, the claim has been cancelled by the applicant.

36.     As to claim 57, Sorvari as modified discloses, a database system as

claimed in claim 55, wherein the first interface means are arranged to receive a

first data element (Sorvari: [0048]);


        receive a second data element (Sorvari: [0028]); and


        the data processing means are arranged to read first metadata attached to

the first data element and second metadata attached to the second data element

(Sorvari: [0035]);


        check whether the first and second metadata simultaneously meet a

specific combination rule (Sorvari: [0281]);


        combine, in response to the first and second metadata simultaneously

meeting the specific combination rule, the first and second data element into a

data set to be processed as one entity (Sorvari: [0281]-[0282]).


37.     As to claim 58, Sorvari as modified discloses, a database system as

claimed in claim 57, wherein the combination rule of the data processing means

is a functionality stored in the data processing means, and the data processing

means are arranged to check the combination rule in response to receiving data

elements (Sorvari: [0281]-[0282]).

38.    As to claim 59, Sorvari as modified discloses, a database system as

claimed in claim 57, wherein said interface means are arranged to receive the

combination rule from the user (Sorvari: [0281]-[0283]).


39.    As to claim 60, Sorvari discloses, a computer program product encoding a

computer process of instructions for executing a computer process for data

processing in a system, in which a data element is generated ([0050]), and

records are maintained in a first database, and at least part of the records of the

first database comprise name information of a subscriber of a

telecommunications system and the subscriber's address in the

telecommunications system (0048]), the process comprising:


        outputting to the user with at least a part of the content of the data element

([0002]; [0010]) in connection with the option of selecting at least one

subscriber's name information for attaching person-based metadata that

identifies the subscriber to the data element ([0035]; [0038]);


        receiving from the user as input from said connected output said

subscriber's name information selection ([0002]; [0010]);


        fetching, in response to the user's selection, the address of the subscriber

in the telecommunications system related to the selected name information from

the first database ([0048]);

attaching to the data element <u>person-based</u> metadata that contains the

fetched subscriber address in the telecommunications system ([0048]);

storing data elements into a database system connected to the system,

the database system comprising a server and database 0028]-[0029]); and

receiving a data element fetch request from a computer connected to the

server; and checking the access right to the data element <u>by comparing</u> the

subscriber address in the telecommunications system attached to the fetch

request <u>with the person-based metadata of the data element</u> ([0048]).

Sorvary, however, does not explicitly disclose, "selection option";

Barry, on the other hand, discloses, "selection option" that is modifiable

(Barry: [0066]).

Both Sorvari and Barry are of the same field of endeavor, they specifically

teach Web based telecommunication management (Sorvari: [0002]; Barry:

[0002]).

It would have been obvious to one of the ordinary skill in the art at the time

of applicant's invention to incorporate the teachings of Barry into Sorvari of

system and method for providing context sensitive recommendations to digital

services, that would have allowed users of Sorvari to have an useful method of

providing enterprise management tools to customers of a telecommunications

service provider over the internet (Barry: [0002]).

## Prior art made of record

40.     The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Janik (US 20020013852) teaches system for providing content,

management and interactivity for thin client devices

Mehra et al. (US 20020049603) teach method and apparatus for a

business applications server.

*Response to Arguments*

41.    Applicant's arguments filed 06/20/2008, with respect to claims 33-55 and

57-60 have been fully considered but they are not persuasive, for examiner's

response see discussion below.

Claims 33-60 were previously pending in the application. Claim 56 is canceled;

leaving claims 33-55 and 57-60 for consideration.

**Applicant's arguments:** Claims 33-60 were rejected under 35 U.S.C. 103(a) as

being unpatentable over SORVARI et al. U.S. Publication Number 2004/0043758

in view of BARRY et al. U.S. Publication Number 2005/0216421. That rejection is

respectfully traversed.

The present invention discloses a solution for using person-based metadata in

data processing. The phase of attaching of the metadata is made easier for the

user through offering for selection his or her own name information available

together with at least a part of the data that is currently being annotated. Each

name in the name information is related to a subscriber address in a

telecommunications network, and after the user has made the selection, this

subscriber address is fetched and attached as person-based me person-based

metadata may then be used as a basis for checking access rights to the data

item. SORVARI discloses a solution where a wireless device is enabled to

compile multiple lists of bookmarks that are organized on the basis of user

access. The solution also proposes automatic organization of the bookmarks and

their presentation to the users. The wireless device determines a current context

which is inferred through sensory information from sensors of the deviGe (e.g.,

location sensor, speed sensor, light sensor, sound sensor, etc.), clock, user's

activities, and so forth. This context may be used as a basis for deciding which

services to recommend to the user via the user interface. As for recited data

item, the Official Action made reference to paragraph [0050] of SORVARI that

discloses reception of WML data from remote servers. It could thus be assumed

that the Examiner's intention was to show correspondence between data items in

the present invention with selection of recommended bookmarks in SORVARI.

With respect to attaching person-based metadata, reference was made to

Figures 13 and 14C of SORVARI. Figure 13 indicates the automatically collected

metadata types in the user's wireless terminal (positioning, touch, compass,

ambient light, ambient temperature, 3-axis acceleration). Figure 14C shows a

process flow where the user's device is programmed to automatically obtain the

current metadata vector from the context inference engine. Both the Figures

show that the wireless device automatically compiles a metadata vector, attaches

the metadata vector to information on the current activity of the user and sends

the metadata vector and activity as a pair to the server. The wireless device does

not attach the metadata to the recommendations, but to the information it sends

to trigger delivery of the recommendations. In addition, the metadata of

SORVARI et al is not person-based metadata that identifies a subscriber.

Referring to present Claim 33, SORVARI does not disclose output means

arranged to output to the user at least part of the content of a data element in

connection with at least one selection option for selecting the name information

of a subscriber for attaching person-based metadata that identifies the subscriber

to the data element. In SORVARI, metadata is generated automatically so no

such combined output is necessary, nor shown. SORVARI does not show or

even suggested that the attached metadata would be person-based metadata,

nor that it would be attached to a recommendation by the server according to a

selection by the user of the wireless device. Since the metadata of SORVARI is

collected automatically, the user does not provide the metadata. In addition,

SORVARI neither discloses input means arranged to receive as input from said

connected output from the user said selection of a subscriber's name information,

nor discloses the related step of fetching the subscriber address in the

telecommunications system related to the selected name information from the

first database. Finally, **SORVARI does not disclose attaching to the data**

**element person-based metadata that contains the fetched subscriber**

**address in telecommunications system. As discussed above, the metadata**

**of SORVARI is not person-based metadata and is not attached to the**

**recommendations.** Alternatively, since the references are not completely

explicit, there is another interpretation of the arguments referring to the data

items. The metadata of SORVARI may also be attached to activity information

that the user provides. This could imply that the Examiner interprets the activity

information of SORVARI as metadata and metadata vector as data item. This

interpretation does not, however, meet the claims, since **neither of these data types could be considered as person-based metadata as claimed in the present invention.** In addition, the pair of current context and activity is not accessed later on by other subscribers, so furnishing that information with person-based metadata to control access to the information is not disclosed in SORVANI. As for the arrangement of the second database and the server, the Official Action references Figures IIC and IId of SORVANI. Figure IIC discloses an operation in the wireless device where past recommended recommendations from the service history are gathered and paired with the current context of the device, and the paired information is sent to a network server. Eigure IiD shows the corresponding response of the server. The server accesses from the database recommendations that correspond to the current context.

**SORVARI does not, however, disclose using the person- based metadata and the subscriber address of a requesting user to check the requesting user's access right to the data element.** These deficiencies are not remedied by BARRY. BARRY describes a method of doing business over the Internet. The arrangement applies a plurality of screens used for interacting with the user. However, none of the used screens, including the StartOE screen of Figure 17, referred to in the Official Action, discloses a screen to output to the user at least part of the content of a data clement in connection with at least one selection option for selecting the name information of a subscriber for attaching person-based metadata that identifies the subscriber to the data element. In general, BARRY does not deal with operations involving metadata and is thus silent on all

the respective features applying the person-based metadata as claimed in the

present invention. **It is submitted that neither SORVARI nor BARRY disclose**

**attaching person-based metadata to data elements nor use of attached**

**person-based metadata to control access to the data element.** The above-

noted features, are absent from each of the references, are absent from the

proposed combination, and thus, the proposed combination of references does

not meet the present claims.


**Examiner's response:** Sorvary discloses [0035] FIG. 13 is a functional block

diagram of an example of a wireless device, a server, and a web server, and

their interaction when exchanging a metadata vector and privacy control data

and when exchanging a context-activity pair and associated recommendations.

Sorvary further discloses, [0072] [B] Bookmarks/short-cuts may be generated

from metadata associated with a particular service site.  Metadata is often

employed by search engines, service sites and/or other network entities to

characterize or classify the content on a particular service site to facilitate user

searches.  Accordingly, one or more short-cuts may be generated for

association with a particular service according to the metadata associated with

that service, such as by identifying and selecting one or more words or terms

from the metadata which aptly characterizes the service.  This may be

accomplished by manually examining the metadata associated with a service

site, or through probability analysis in which the words or terms showing up a

significant number of times or the greatest number of times is used as the short-

cut.

In above statements, Sorvary discloses "**person-based metadata**"


Moreover, as explained in the office action, Sorvari discloses, a data processing

system comprising: a unit for producing data elements ([0050]); data processing

means for processing data elements ([0047]); a first database with at least part of

its records containing the name information of a subscriber of a

telecommunications system and the subscriber's address in the

telecommunications system ([0048]); and interface means containing output

means for outputting information to the user and input means for receiving as

input information from the user ([0002]; [0010]); said output means are arranged

to output to the user at least a part of the content of a data element in connection

with at least one selection option for selecting the name information of a

subscriber for attaching person-based metadata that identifies the subscriber to

the data element ([0035]; [0038]); said input means are arranged to receive from

the user as input from said connected output selection of a subscriber's name

information ([0048]); wherein said data processing means are, in response to the

name selection by the user, arranged to fetch the subscriber address in the

telecommunications system related to the selected name information from the

first database ([0048]); and to attach to the data element person based metadata

that contains the fetched subscriber address in the telecommunications system

([0048]), and the system also comprises a database system for storing data

elements, the database system comprising a server and a second database, said

server being arranged to receive a fetch request for a data element from a <u>user</u>

<u>terminal accessing</u> the server ([0028]-[0029]); and to check the access right to

the data element on the basis of the subscriber address in the

telecommunications system attached to the fetch request <u>with the person-based</u>

<u>metadata of the data element</u> ([0048]; [0295]).



**Applicant's arguments:** In addition, a person of ordinary skill in the art, having

the knowledge on SORVARI and faced with the need to tag data for later control,

would not have turned into BARRY as BARRY does not deal with control and

storage of data elements. Even if one were to consider BARRY the claimed

invention would not have been obvious at least with respect to data elements

furnished with person-based metadata and made accessible on the basis for this

person-based metadata. BARRY does not disclose or even suggest associating

data items with metadata, not to mention using person-based metadata for the

purpose.

The analysis above regarding claim 33 equally applies to claim 43 with respect to

the corresponding features. In addition it is noted that neither SORVARI nor

BARRY disclose a mobile station producing data elements, nor a mobile station

output where a produced data item and a view to name part of the phone list of

the mobile station are displayed to the user. The analysis above regarding claim

33 equally applies to claim 44 with respect to the corresponding features.

Regarding claim 53 the Official Action makes reference to paragraph [279] of

SORVARI that describes a mobile user's privacy control feature that enables the

user to designate which application programs are granted access to the context

awareness. Granting access to application programs of SORVARI does not meet

the recited granting access to other subscribers in the present invention. In

addition, in SORVARI the access is granted to context awareness information,

not to the recommendations. The data elements (activity context pairs)

comprising the metadata are not accessed by other subscribers of SORVARI and

access to them is thus not controlled by that person-based metadata.

Reference is also made to paragraph [294] of SORVARI that describes a server

maintaining a personal profile of the user's characteristics and preferences, and

use of this profile to automatically formulate a query to the database. Use of

personal profile to formulate a query does not meet the recited use of person-

based metadata to control access to a data element in the database.

The analysis above regarding claim 33 equally applies to claims 54 and 55 with

respect to the corresponding features. In addition, it is noted that the referred

parts of SORVARI disclose elements of a wireless device, whereas claim 54

discloses a network element and claim 55 discloses a database system.

The analysis above regarding claim 33 equally applies to claim 60 with respect to

the corresponding features .In view of the present amendment and the foregoing

remarks, it is believed that the application has been placed in condition for

allowance. Reconsideration and allowance are respectfully requested.

**Examiner's response:** See the above response. In addition Sorvary discloses,

[0035] FIG. 13 is a functional block diagram of an example of a wireless

device, a server, and a web server, and their interaction when exchanging a

metadata vector and privacy control data and when exchanging a context-

activity pair and associated recommendations; which clearly recites the

controlling function.

## *Conclusion*

42.     **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action.  In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action.  In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

*Contact Information*

43.    Any inquiry concerning this communication or earlier communications from

the examiner should be directed to FAZLUL QUADER whose telephone number

is (571)270-1905.  The examiner can normally be reached on M-F 8-5 Alternate

Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Charles Rones can be reached on 571-272-4085.  The

fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system.  Status information

for published applications may be obtained from either Private PAIR or Public

PAIR.  Status information for unpublished applications is available through

Private PAIR only.  For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner
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/FQ/
September 7, 2008


/Charles  Rones/

Supervisory Patent Examiner, Art Unit 2164